

City of Las Vegas

AGENDA MEMO

PLANNING COMMISSION MEETING DATE: DECEMBER 20, 2007

DEPARTMENT: PLANNING AND DEVELOPMENT

ITEM DESCRIPTION: VAR-25344 - APPLICANT/OWNER: CRAIG P. AND ELLEN KAY KENNY

**** CONDITIONS ****

STAFF RECOMMENDATION: DENIAL. If Approved, subject to:

Planning and Development

1. Approval of and conformance to the Conditions of Approval for Rezonings (ZON-25342 and ZON-25678), Variance (VAR-25345) and Site Development Plan Review (SDR-25343) shall be required.
2. This approval permits a deviation from LVMC Title 19 parking requirements to allow 32 on-site parking spaces and 14 off-site parking spaces where 75 parking spaces would otherwise be required.
3. This approval shall be void two years from the date of final approval, unless a certificate of occupancy has been issued or upon approval of a final inspection. An Extension of Time may be filed for consideration by the City of Las Vegas.

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**** STAFF REPORT ****

PROJECT DESCRIPTION

This request is for a Variance to allow a deviation from standards for parking in connection with a proposed professional office building on 0.47 acres at the southeast corner of Clark Avenue and 8th Street. Specifically, this application requests a deviation to allow a total of 46 parking spaces (32 on-site and 14 off-site) where 75 spaces are required for the proposed Office, other than listed use.

The proposed Office, other than listed use has a parking requirement of one space per 300 square feet of gross floor area. The professional office building has an employee amenity floor that includes a day care, workout area, theater, and half basketball court that the applicant has indicated is only for the use of the employees and therefore does not believe will increase the parking demand at this location, as the only users of the space will already be in the building. Due to the self-imposed hardship inevitably created by the intensity of the proposed project on the site, denial of this request is recommended.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
12/20/07	Companion items for two Rezoning (ZON-25342 and ZON-25678) a Variance (VAR-25345), and a Site Development Plan Review (SDR-25343) will be heard concurrently with this item.
<i>Related Building Permits/Business Licenses</i>	
04/18/07	Three building permit applications, plan check OTC-86582, OTC-86584, and OTC-86585, were submitted for the site. These were for a plan check review for the demolition of the residential structures that were the subject site. These permits were reviewed by the Planning and Development Department and issued by the Building and Safety Department the same day as submitted. These permits received a final inspection on 05/15/07.
<i>Pre-Application Meeting</i>	
09/25/07	A pre-application meeting was held, where submittal requirements and elements of this application were discussed. Specifically, the Building and Safety Department went over the requirements for the placement of the accessible parking spaces and the Public Works Department went over the need to lengthen the space that load off of the alleyway.
<i>Neighborhood Meeting</i>	
A neighborhood meeting is not required for this application, nor was one held.	

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Field Check	
11/19/07	The Department of Planning and Development conducted a site visit that found that this is an undeveloped site that has previously had improvements that have been removed. There is temporary, unscreened chain link fencing around the site of the proposed building. The site of the proposed off-site parking location is also undeveloped but there is no fencing around this site.

Details of Application Request	
Site Area	
Net Acres	0.47 (Office Building Site) and 0.15 (Off-site Parking Lot Site)

Office Building (Parcels 139-34-710-054 through 056)			
Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Undeveloped	MXU (Mixed Use)	R-1 (Single Family Residential) [Proposed: P-R (Professional Office and Parking)]
North	Public School, Secondary	PF (Public Facilities)	C-V (Civic)
South	Office, Other Than Listed	MXU (Mixed Use)	R-1 (Single Family Residential)
East	Office, Other Than Listed	MXU (Mixed Use)	R-1 (Single Family Residential)
	Office, Other Than Listed	MXU (Mixed Use)	R-1 (Single Family Residential) under Resolution of Intent to P-R (Professional Office and Parking)
West	Office, Other Than Listed	MXU (Mixed Use)	P-R (Professional Office and Parking)

Off-site Parking Lot (Parcel 139-34-810-052)			
Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Undeveloped	MXU (Mixed Use)	R-1 (Single Family Residential) [Proposed: P-R (Professional Office and Parking)]
North	Office, Other Than Listed	MXU (Mixed Use)	P-R (Professional Office and Parking)
South	Office, Other Than Listed	MXU (Mixed Use)	R-1 (Single Family Residential)

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East	Office, Other Than Listed	MXU (Mixed Use)	R-1 (Single Family Residential)
West	Office, Other Than Listed	MXU (Mixed Use)	P-R (Professional Office and Parking)

<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Area Plan			
Redevelopment Plan Area	X		Y
<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Purpose and Overlay Districts			
Las Vegas High School Neighborhood District	X		Y *
Live/Work Overlay District	X		Y
Trails		X	n/a
Rural Preservation Overlay District		X	n/a
Development Impact Notification Assessment		X	n/a
Project of Regional Significance		X	n/a

* Currently, no design standards or guidelines have been approved for this district to compare against the proposed project.

DEVELOPMENT STANDARDS

Pursuant to Title 19.04 and 19.10, the following parking standards apply:

Parking Requirement - Downtown							
Use	Gross Floor Area or Number of Units	Base Parking Requirement			Provided		Compliance
		Parking Ratio	Parking		Parking		
			Regular	Handi-capped	Regular	Handi-capped	
Office, Other Than Listed	22,400 SF	1 Space / 300 SF GFA	72 Spaces	3 Spaces	44 Spaces	2 Space	N *
TOTAL (including handicap)	22,400 SF		75 Spaces		46 Spaces **		N *
Percent Deviation			38.7% Reduction				

* This variance has been requested to allow 46 total parking spaces (32 on-site and 14 off-site) to be provided where 75 spaces would otherwise be required. This will grant relief from the City standards if approved.

RTS

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- ** The applicant has proposed an off-site parking location to supplement the on-site parking for the proposed office building. Title 19.10.010 (H) (1) makes provisions for an alternative parking arrangement of this nature. An, if approved, condition has been added to the Site Development Plan Review (SDR-25343) that an off-site parking agreement must be recorded with the office of the County Recorder as outlined in Title 19.10.010 (H) (1).

ANALYSIS

The subject site is located within the boundaries of the Las Vegas Redevelopment District of the Southeast Sector Plan of the General Plan, and is designated as MXU (Mixed Use). The MXU (Mixed Use) designation allow uses comparable to the following land use categories: L (Low Density Residential), ML (Medium-Low Density Residential), M (Medium Density Residential), H (High Density Residential), O (Office), SC (Service Commercial), and GC (General Commercial). The proposed parking lot is compatible with this land use designation and the neighboring zoning districts, which are intended for lower intensity office related uses.

As previously noted, the parcels are within the boundaries of the Las Vegas Redevelopment Area, with a MXU (Mixed Use) land use designation. The proposed uses are in conformance with Redevelopment Plan policies that encourage innovative, mixed use projects in this area of the City. The proposed development is in compliance with the MXU (Mixed Use) designation.

These sites are within the Live/Work Overlay district. The proposed professional office building will offer employment and employee amenities on-site, but no housing. The project does not include any live/work units as outlined in Title 19.06.130.

Further, the four parcels that make up this project are within the Las Vegas High School Historic District, which is listed on the National Register of Historic Places. Currently, no design standards or guidelines have been approved for this district to compare against the proposed project.

This variance has been submitted in conjunction with two Rezoning (ZON-25342 and ZON-25678) to change from R-1 to P-R (Professional Office and Parking) for the four parcels intended for use with this project, a Variance (VAR-25345) to allow a building height of four stories (73 feet) in the proposed P-R (Professional Office and Parking) district for the building site and a Site Development Plan Review (SDR-25343) to site the office building proposed for northern three parcels and the off-site parking lot for the southern parcel.

The proposed office, other than listed use requires 75 parking spaces. The proposed professional office building has interior parking on the ground floor with a public entryway and elevator. The second and third floors are indicated for the office and support staff areas. These floors each have a reception area, file and conference rooms and various offices and workstations. The fourth floor is an employee amenity floor that includes a day care, workout area, theater, and half basketball court with separate locker rooms for the men and women. The parking calculation for an office building is based on the gross square-footage of the building, which is 22,400 square feet, not the area

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specifically indicated for the office activity, which is approximately 17,027. This request, to allow 46 total spaces, is a reduction in the number of required parking spaces by approximately 38.7 percent. The applicant has indicated that the fourth floor amenities are only for the use of the employees and therefore does not believe will increase the parking demand at this location as the only users of the space will already be in the building. Further, the applicant has proposed an off-site parking location to supplement the on-site parking for the proposed office building. Title 19.10.010 (H) (1) makes provisions for an alternative parking arrangement of this nature. However, staff can not support of this Variance request, as this is a self-imposed hardship due to the intensity of the proposed project and therefore does not meet the criteria for granting a Variance.

FINDINGS

In accordance with the provisions of Title 19.18.070(B), Planning Commission and City Council, in considering the merits of a Variance request, shall not grant a Variance in order to:

1. Permit a use in a zoning district in which the use is not allowed;
2. Vary any minimum spacing requirement between uses;
3. Relieve a hardship which is solely personal, self-created or financial in nature.”

Additionally, Title 19.18.070L states:

“Where by reason of exceptional narrowness, shallowness, or shape of a specific piece of property at the time of enactment of the regulation, or by reason of exceptional topographic conditions or other extraordinary and exceptional situation or condition of the piece of property, the strict application of any zoning regulation would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardships upon, the owner of the property, a variance from that strict application may be granted so as to relieve the difficulties or hardship, if the relief may be granted without substantial detriment to the public good, without substantial impairment of affected natural resources and without substantially impairing the intent and purpose of any ordinance or resolution.”

No evidence of a unique or extraordinary circumstance has been presented, in that the applicant has created a self-imposed hardship by attempting to locate development of this nature and size on a site that is inadequate to accommodate the required amount of parking. The provision of additional parking spaces or a reduction in the intensity of the project would allow conformance to the Title 19 requirements. In view of the absence of any hardships imposed by the site’s physical characteristics, it is concluded that the applicant’s hardship is preferential in nature, and it is thereby outside the realm of NRS Chapter 278 for granting of Variances.

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